WO 1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 FOR THE DISTRICT OF ARIZONA 7 8 9 David Mitchell, 10 Petitioner. No. CV-08-1463-PHX-PGR (DKD) 11 VS. 12 Charles L. Ryan, et al., ORDER 13 Respondents. 14 15 16 Having reviewed *de novo* the Report and Recommendation of Magistrate 17 Judge Duncan in light of Petitioner's Objections to Magistrate's Report and 18 Recommendations (Doc. 44), the Court finds that the petitioner's objections 19 should be overruled because the Magistrate Judge correctly concluded that all of 20 the grounds raised in the petitioner's habeas corpus petition fail on their merits. Therefore, 21 22 IT IS ORDERED that the Magistrate Judge's Report and Recommendation 23 (Doc. 33) is accepted and adopted by the Court. 24 IT IS FURTHER ORDERED that the petitioner's Motion for Order Directing 25 Respondents to Allow Petitioner Access to the Prison Library, or, Alternatively, 26 Allow Petitioner to Borrow Legal Research Materials from the Library, or Show

Cause Why Petitioner Should Not be Granted the Relief Sought Herein (Doc. 29) and the petitioner's Motion for Expedient Disposition in "Motion for Order Directing Respondents to Allow Petitioner Access to the Prison Library, or, Alternatively, Allow Petitioner to Borrow Legal Research Materials from the Library, or Show Cause Why Petitioner Should Not be Granted the Relief Sought Herein" (Doc. 30) are both denied.

IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and that this action is dismissed with prejudice.

IT IS FURTHER ORDERED that no certificate of appealability shall issue because the petitioner has not made a substantial showing of the denial of a constitutional right.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

DATED this 29th day of August, 2010.

Paul G. Rosenblatt

United States District Judge